

Candice B. Pierucci proposes the following substitute bill:

**Driver Training Schools for Commercial Driver License Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill addresses driver training schools for commercial driver license (CDL) applicants.

**Highlighted Provisions:**

This bill:

- requires a CDL applicant to sign a form attesting to the applicant's English language ability; and
- requires reporting regarding CDL driver training schools.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-3-407**, as last amended by Laws of Utah 2022, Chapter 46

**53-3-407.1**, as enacted by Laws of Utah 2013, Chapter 411

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-3-407** is amended to read:

**53-3-407 . Qualifications for commercial driver license -- Fee -- Third parties may administer skills test.**

(1)(a) As used in this section, "CDL driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation that:

- (i) educates and trains persons, either practically or theoretically, or both, to drive commercial motor vehicles; and

- (ii) prepares an applicant for an examination under Subsection [~~(2)(a)(iii)~~] (3)(a)(iii).

(b) A CDL driver training school may charge a consideration or tuition for the services

30 provided under Subsection (1)(a).

31 (2)(a) Prior to enrolling an applicant, a CDL driver training school and the applicant  
32 shall sign a form, issued by the division, attesting that the applicant can read and  
33 speak the English language sufficiently to:

34 (i) converse with the general public;

35 (ii) understand highway traffic signs and signals;

36 (iii) respond to official inquiries; and

37 (iv) make entries on reports and records.

38 (b) An applicant shall present the form described in Subsection (2)(a) to a commercial  
39 driver license third party tester or third party examiner when the applicant begins  
40 testing.

41 [~~2~~] (3)(a) Except as provided in Subsection [~~2~~](e) (3)(c), a CDL may be issued only to  
42 a person who:

43 (i) is a resident of this state or is an out-of-state resident if the person qualifies for a  
44 non-domiciled CDL as defined in 49 C.F.R. Part 383;

45 (ii) has held a CDIP for a minimum of 14 days prior to taking the skills test under 49  
46 C.F.R. Part 383, including a person who is upgrading a CDL class or endorsement  
47 requiring a skills test under 49 C.F.R. Part 383;

48 (iii) has passed a test of knowledge and skills for driving a commercial motor vehicle,  
49 that complies with minimum standards established by federal regulation in 49  
50 C.F.R. Part 383, Subparts G and H; and

51 (iv) has complied with all requirements of 49 C.F.R. Part 383 and other applicable  
52 state laws and federal regulations.

53 (b) A person who applies for a CDL is exempt from the requirement to pass a skills test  
54 to be eligible for the license if the person:

55 (i) is a resident of the state of Utah;

56 (ii) has successfully completed a skills test administered by a state or a party  
57 authorized by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and

58 (iii) held a valid Utah CDIP at the time the test was administered.

59 (c) The department shall waive any tests specified in this section for a commercial driver  
60 license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec.  
61 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and  
62 certifies that the applicant:

63 (i) is a member of the active or reserve components of any branch or unit of the

64 armed forces or a veteran who received an honorable or general discharge from  
65 any branch or unit of the active or reserve components of the United States Armed  
66 Forces;

67 (ii) is or was regularly employed in a position in the armed forces requiring operation  
68 of a commercial motor vehicle; and

69 (iii) has legally operated, while on active duty for at least two years immediately  
70 preceding application for a commercial driver license, a vehicle representative of  
71 the commercial motor vehicle the driver applicant operates or expects to operate.

72 (d) An applicant who requests a waiver under Subsection [~~(2)~~(e)] (3)(c) shall present a  
73 completed application for a military skills test waiver at the time of the request.

74 [(3)] (4) Tests required under this section shall be prescribed and administered by the  
75 division.

76 [(4)] (5) The division shall authorize a person, an agency of this state, an employer, a private  
77 driver training facility or other private institution, or a department, agency, or entity of  
78 local government to administer the skills test required under this section if:

79 (a) the test is the same test as prescribed by the division, and is administered in the same  
80 manner; and

81 (b) the party authorized under this section to administer the test has entered into an  
82 agreement with the state that complies with the requirements of 49 C.F.R. Sec.  
83 383.75.

84 [(5)] (6)(a) An out-of-state resident who holds a valid CDIP issued by a state or  
85 jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test  
86 administered by a party authorized under this section.

87 (b) A person authorized under this section to administer the skills test may charge a fee  
88 for administration of the skills test.

89 (c) A person authorized under this section to administer the skills test shall:

90 (i) electronically transmit skills test results for an out-of-state resident to the licensing  
91 agency in the state or jurisdiction in which the person has obtained a valid CDIP;  
92 and

93 (ii) provide the out-of-state resident with documentary evidence upon successful  
94 completion of the skills test.

95 [(6)] (7) A person who has an appointment with the division for testing and fails to keep the  
96 appointment or to cancel at least 48 hours in advance of the appointment shall pay the  
97 fee under Section 53-3-105.

98 [(7)] (8) A person authorized under this section to administer the skills test is not criminally  
99 or civilly liable for the administration of the test unless he administers the test in a  
100 grossly negligent manner.

101 [(8)] (9) The division may waive the skills test required under this section if it determines  
102 that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

103 Section 2. Section **53-3-407.1** is amended to read:

104 **53-3-407.1 . Commercial driver license third party tester or third party examiner**  
105 **license -- Fingerprint background check required.**

106 (1) A commercial driver license third party tester or commercial driver license third party  
107 examiner shall be licensed by the division to be eligible to administer the commercial  
108 driver license skills tests.

109 (2)(a) An applicant for a commercial driver license third party tester or third party  
110 examiner license shall submit fingerprints in a form acceptable to the division at the  
111 time the license application is filed and shall consent to a fingerprint background  
112 check by the Utah Bureau of Criminal Identification and the Federal Bureau of  
113 Investigation regarding the application.

114 (b) The division shall request the Department of Public Safety to complete a Federal  
115 Bureau of Investigation criminal background check for each commercial driver  
116 license third party tester or third party examiner applicant through the national  
117 criminal history system or any successor system.

118 (c) The Utah Bureau of Criminal Identification shall release to the division all  
119 information received in response to the division's request under this Subsection (2).

120 (d) A commercial driver license third party tester or third party examiner license may  
121 not be issued under this section until the criminal background check required under  
122 this Subsection (2) has been completed and reviewed by the division.

123 (e) In addition to any fees imposed under this chapter, the division shall:

124 (i) impose on individuals submitting fingerprints in accordance with this Subsection  
125 (2) the fees that the Bureau of Criminal Identification is authorized to collect for  
126 the services the Bureau of Criminal Identification provides under this section; and  
127 (ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal  
128 Identification.

129 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
130 division shall make rules establishing:

131 (a) minimum standards for a commercial driver license third party tester or third party

- 132 examiner license;
- 133 (b) procedures for an applicant to apply for a commercial driver license third party tester  
134 or third party examiner license;
- 135 (c) minimum standards for the commercial driver license skills test;[-and]
- 136 (d) procedures to enable a licensed commercial driver license third party tester or  
137 commercial driver license third party examiner to administer or process a commercial  
138 driver license skills test for an applicant to receive a commercial driver license[-] ; and
- 139 (e) procedures for a commercial driver license third party tester or third party examiner  
140 to:
- 141 (i) send the form described in Section 53-3-407 to the division if the CDL applicant  
142 does not speak and understand English;
- 143 (ii) collect and report the name of a CDL driver training school that a CDL applicant  
144 used, if applicable, to the division; and
- 145 (iii) report data regarding CDL applicant passage rates to the division.

146 Section 3. **Effective Date.**

147 This bill takes effect on May 7, 2025.